

GOVERNMENT OF ANDHRA PRADESH

A B S T R A C T

Public Services\_ I & CAD Department- Sri R. Venkateswarlu, Dy.SE Imposing the penalty of stoppage of two annual grade increments with cumulative effect - Conversion of penalty into cash recovery from pension- filed O.A. No.2877/2003 in the Hon'ble APAT – judgment issued –Recovery of an amount of Rs.8484/- from the pension of Sri R. Venkateswarlu, Dy.SE(Retd.) - Orders- Issued.

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IRRIGATION & CAD (SER.X.1) DEPARTMENT

G.O.Ms.No. 1

Dt:13.01.2011

Read the following:

- 1) G.O.Ms.No.267, I&CAD(CAD Ser.II-1) Dept., dt.26-11-1997
- 2) Govt Memo.No.27295/CAD.Ser.II.1/02-2 , Dt.11-11-02.
- 3) From the ENC(AW) Lr.No.RC/ENC/F3/16990/2002, dt.30-1-2003.
- 4) Hon'ble A.P. Administrative Tribunal, orders in OA No.2877/2003, dt.31-12- 2007.
- 5) Govt.Memo.No.16532/Ser.X.1/2008-1, dt. 10.07.2008
- 6) From the ENC(AW)Lr.No.RC/ENC/SII(1)/27972/96, dt.27.12.2010

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O R D E R

In the reference 1<sup>st</sup> read above, orders were issued imposing a punishment of stoppage of two annual grade increments with cumulative effect against Sri R. Venkateswarlu, Executive Engineer (Retd), for the irregularities in connection with the collapse of aqueduct of Bethampudi project due to pure quality of work. In the reference 2<sup>nd</sup> read above, the Engineer-in-Chief (AW) Hyderabad was permitted to withhold the two stagnation increments fallen due on 1-10-2000 and 1-10-2001 of Sri R.Venkateswarlu, Executive Engineer.

In the reference 3<sup>rd</sup> read above, the Engineer-in-Chief (Admn.Wing) Hyderabad has informed that orders of punishment were issued to withhold two annual grade increments due on 1-10-2000 and 1-10-2001 with cumulative effect against Sri R.Venkateswarlu, the then Executive Engineer. However, upon examination, it turned out that there was no stagnation increment available on 1-10-2001 to Sri R. Venkateswarlu, the then Executive Engineer , so that it could be withheld. It was therefore proposed by the Engineer-in-Chief (Admn. Wing) that an amount equivalent to one increment, plus the DA and HRA thereof, amounting to Rs.8,484/-, be withheld from the DCRG of Sri. R. Venkateswarlu, Executive Engineer, who had retired by that time. Pending Government's orders on the proposed punishment, while sending pension papers to the Accountant General, Hyderabad, an amount of Rs.8484/- was recovered from the DCRG of Sri. R. Venkateswarlu, Executive Engineer (Retd.) by the Engineer-In-Chief (Admn.Wing) , in anticipation of ratification by Government.

Aggrieved by the above, Sri R.Venkateswarlu, EE has filed O.A. No. 2877/2003 in the Hon'ble APAT. The Hon'ble A.P. Administrative Tribunal in its order dt.31-12-2007 in O.A.No.2877/2003 has ordered that "Rs.8484/- cannot be recovered from the gratuity of the applicant without further orders from the Government. As there are no orders of the Government till now, any recovery if already made for Rs.8484/- is bad under law."

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After careful examination of the issue, and in due regard to the orders of the Hon'ble APAT, Government provisionally decided to recover an amount of Rs. 8484/- from the pensionary benefits of Sri R.Venkateswarlu, Executive Engineer (Retd.), which was equivalent to one annual grade increment, and which could not be withheld as a punishment due to its non-availability during his service period. Accordingly, a Show Cause Notice informing about the provisional decision of Government was issued under Rule 9 of APRP Rules, 1980 to the retired officer, with a direction to submit his explanation / representation, if any, within 15 days of receipt of the notice. It was stated therein that if no reply was received, it would be construed that he had no explanation to submit, and further action would be taken as per rules in force.

In the reference 6<sup>th</sup> read above, the ENC(AW) Hyderabad has informed that Sri R. Venkateswarlu EE (Retd.) received the said Show Cause Notice on 04.02.2009, and furnished his acknowledgment. However, the retired officer has not submitted any explanation / representation in response to the said Show Cause Notice for more than twenty two months.

In this light, Government, after careful examination of the matter, has decided to confirm the penalty provisionally decided upon, and accordingly hereby order to recover an amount of Rs. 8484/- from the pension / pensionary benefits of Sri R.Venkateswarlu, Executive Engineer (Retd. ) under Rule 9 of A.P.Revised Pension Rules, 1980, which is equivalent to the one annual grade increment that could not be withheld as a punishment due to its non-availability during the service period of Sri. R. Vankateswarlu, the then Executive Engineer.

The Engineer-In-Chief (Admn.Wing) Hyderabad is requested to take necessary action accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

SHAILENDRA KUMAR JOSHI  
PRINCIPAL SECRETARY TO GOVERNMENT

To  
The Engineer-in-Chief (Admn.Wing)  
I&CAD Dept., Hyderabad.  
Sri R.Venkateswarlu, Executive Engineer(Retd)  
through Engineer-in-Chief(AW), Hyderabad.  
Copy to the Accountant General, Andhra Pradesh, Hyderabad.  
Scs.

//FORWARDED: : BY ORDER//

SECTION OFFICER